

AMENDED IN ASSEMBLY APRIL 23, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2241

**Introduced by Assembly Member Dickinson
(Principal coauthor: Assembly Member Alejo)
(Coauthors: Assembly Members Perea and Swanson)**

February 24, 2012

An act to add Article 4 (commencing with Section 48680) to Chapter 4 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2241, as amended, Dickinson. Pupils: Transitioning Youth for Success Program.

Existing law provides for the administration and operation of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, and certain group homes. The public schools or classes offered in these facilities are known as juvenile court schools. Existing law states that the Legislature encourages each county superintendent of schools or governing board of a school district, as specified, and the county chief probation officer to enter into a memorandum of understanding or equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are receiving their education in juvenile court schools with the purpose of developing a collaborative model that will foster an educational and residential environment that nurtures the whole

child and consistently supports services that will meet the educational needs of the pupils.

This bill would establish the Transitioning Youth for Success Program for the purpose of prioritizing the use of specified federal funds for neglected, delinquent, or at-risk pupils. The bill would require a county office of education or a school district to submit an application to the State Department of Education to receive funding under this program. Participating school districts and county offices of education would provide programs and services that focus on the special needs of youth who are or have been confined to a facility where a juvenile court school or classes are authorized to be offered. The purpose of the programs and services would be to ensure that these youth make a successful transition from the juvenile facility to further schooling or employment and are provided a support system to ensure their continued education. The bill would require a comprehensive transition plan to be developed and implemented for pupils served by the program. The bill would require the Superintendent of Public Instruction, in consultation with the Board of Corrections and county offices of education, by December 1, 2013, to develop consistent measures by which to evaluate the success of programs and services funded under this program. The bill would require the State Board of Education to amend California's consolidated state application for the federal No Child Left Behind Act of 2001, as necessary, so that the application adequately reflects the requirements and provisions of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) Juvenile justice youth are one of the most academically
4 “at-risk” pupil groups enrolled in California schools. Researchers
5 have found that many of these youth perform well below grade
6 level and have a history of truancy and school discipline. Experts
7 confirm that juvenile justice youth experience a high rate of special
8 education identification, with a disproportionate number identified
9 as having learning disabilities and emotional or behavioral
10 disorders.

1 (2) Research on this population in other jurisdictions has found
2 that the provision of a comprehensive educational program can
3 have a profound positive impact on juvenile recidivism rates.
4 However, the transition from juvenile detention facilities to a
5 regular school setting presents major challenges. Research confirms
6 that most youth do not reengage with the educational system after
7 leaving confinement. It is reported that two-thirds of high
8 school-aged juvenile offenders in New York do not return to school
9 upon release. Kentucky showed a 95 percent dropout rate for
10 similar youth. California's juvenile court schools, which serve
11 youth in the juvenile justice system, have the highest dropout rate
12 of all schools in the state.

13 (3) Youth released from institutions often face barriers to
14 reenrollment in comprehensive regular schools, which often leads
15 to their eventual abandonment of the educational system altogether.
16 Barriers to enrollment often result from lack of knowledge about
17 their educational rights and misapplication of the law by
18 educational authorities. The federal Office of Juvenile Justice and
19 Delinquency Prevention found that "the criminal justice system
20 and education systems often seem to work at cross-purposes.
21 Judges mandate school attendance, but the community lacks an
22 effective system for reenrolling students." The alternative
23 educational placements to which these pupils are relegated too
24 often do not have the resources to address their unique needs nor
25 do they facilitate high school graduation, reentry into a regular
26 school setting, or enrollment in college. Experts have concluded
27 that these alternative schools have become the dumping grounds
28 for the "problem students" who school administrators no longer
29 want.

30 (4) A recent study by the Center for Juvenile Justice Reform
31 confirmed that the "lack of transition planning for juveniles makes
32 successful reentry and integration into the community extremely
33 difficult" and that "[d]ue to a lack of interdisciplinary collaboration,
34 service providers are often unprepared to provide appropriate
35 transition services."

36 (b) Accordingly, it is *the* intent of the Legislature that funds be
37 made available to provide programs to address the transition needs
38 of California's juvenile justice youth so that the number of youth
39 who are successfully engaged in school, work, and constructive
40 community activities increases. Notwithstanding the unique

1 educational challenges facing this high-risk pupil group, education
2 is one of the most critical factors in reducing recidivism rates and
3 assuring successful transition to a self-sufficient adulthood.

4 SEC. 2. Article 4 (commencing with Section 48680) is added
5 to Chapter 4 of Part 27 of Division 4 of Title 2 of the Education
6 Code, to read:

7
8 Article 4. Transitioning Youth for Success
9

10 48680. There is hereby established the Transitioning Youth
11 for Success Program for the purpose of prioritizing the use of funds
12 allocated by the department under Part D of Title I of the federal
13 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).
14 A school district or county office of education that receives funds
15 pursuant to this article shall use those funds to provide programs
16 and services that focus on the special needs of youth who are or
17 have been confined to a facility where a juvenile court school or
18 classes are authorized to be offered. The purpose of these programs
19 and services shall be to ensure that these youth successfully
20 transition from those facilities to further schooling or employment
21 and are provided a support system to ensure their continued
22 education.

23 48683. (a) For purposes of this article, “eligible youth” means
24 a juvenile who is or has been confined to a facility where a juvenile
25 court school or classes are authorized to be offered.

26 (b) For purposes of this article, “juvenile facility” means a
27 facility where a juvenile court school or classes are authorized to
28 be offered pursuant to Article 2.5 (commencing with Section
29 48645).

30 48685. (a) To receive funding pursuant to this article, a county
31 office of education ~~and~~ or a school district shall submit an
32 application to the department that includes a description of the
33 manner in which the services or programs to be funded promote
34 the successful transition of eligible youth released from juvenile
35 facilities to further schooling or employment.

36 (b) The application also shall include all of the following:

37 (1) The appointment of a transition specialist or coordinator
38 who shall perform all of the following *for all eligible youth, to the*
39 *extent practicable, but at a minimum for all eligible youth who*
40 *have been confined to a facility for more than 30 days:*

1 (A) Develop and coordinate individualized transition plans for
2 all eligible youth.

3 (B) Develop transition portfolios for each eligible youth.

4 (C) Coordinate ~~the~~ *their* seamless and immediate enrollment of
5 eligible youth and transfer of educational records across sending
6 and receiving agencies.

7 (D) Coordinate increased interagency linkages and
8 communication.

9 (E) Coordinate with other agencies, community and employment
10 agencies, and subsequent educational placements to ensure a
11 seamless continuum of services upon *their* release of an eligible
12 youth.

13 (F) Serve as an advocate for ~~eligible youth~~ *them* as they
14 transition from a juvenile facility to ensure that all subsequent
15 educational and school placements are based on the best interests
16 of the youth.

17 (G) Serve as an advocate for ~~eligible youth~~ *them* so they can
18 overcome barriers to reenrollment in a regular comprehensive
19 public school and that any subsequent educational placement
20 provides educational stability and the opportunity to be educated
21 in the least restrictive educational setting necessary to achieve
22 academic progress.

23 (H) Establish a tracking system to monitor ~~the~~ *their* educational
24 placements, including transitions to alternative or juvenile court
25 schools, of all youth participating in the program established
26 pursuant to this article.

27 (2) A *general* description of the ~~characteristics, including~~
28 ~~learning disabilities, below grade level achievement, substance~~
29 ~~abuse problems, mental health issues, language access issues,~~
30 ~~family issues, and other special needs, of the eligible demographics~~
31 ~~and characteristics of the youth who that will be transitioning out~~
32 ~~of juvenile facilities and participate in the program served.~~

33 (A) For county offices of education, the description shall include
34 an assessment of enrollment data for juvenile court schools
35 currently operated by a county office of education. The assessment
36 shall include all of the following information:

37 (i) The average length of stay for all youth.

38 (ii) The number of youth identified as special needs pupils.

39 (iii) The number of youth identified as English learners or fluent
40 English proficient.

1 (iv) The dropout and graduation rate of each juvenile court
2 school and community schoolsite operated by the county office of
3 education.

4 (v) The number of youth who were able to reenroll in their
5 school of origin upon release.

6 (vi) The number of youth enrolled in a county community school
7 upon release.

8 (vii) The number of youth enrolled in another alternative school
9 program operated by either a county office of education or school
10 district upon release.

11 (B) For school districts, the description shall include an
12 assessment of enrollment data for youth transferring from juvenile
13 court schools into schools operated by a school district during the
14 past two years. The assessment shall include all of the following
15 information:

16 (i) The number of youth who have transferred from the school
17 district to a juvenile court school during the past two years.

18 (ii) The number of those youth who have transferred from the
19 school district to a juvenile court school during the past two years
20 and reenrolled in the district.

21 (iii) For those youth who reenrolled in the district, the type of
22 educational placement.

23 (iv) The number of youth identified as special needs pupils.

24 (v) The number of youth identified as English learners or fluent
25 English proficient.

26 (vi) The dropout and graduation rate for special needs pupils,
27 English learners, and fluent English-proficient pupils.

28 (3) An assessment and inventory of existing education,
29 probation, mental health, health, social services, substance abuse
30 prevention and treatment, and youth services resources, including
31 employment-related resources, that will be available to specifically
32 target eligible pupils transitioning from juvenile facilities. The
33 assessment shall indicate to the extent to which the services and
34 treatment address the cultural and linguistic needs of eligible youth.

35 (4) A description of the manner in which the school district or
36 county office of education will coordinate with existing social,
37 health, and other services to meet the needs of transitioning eligible
38 youth. The description shall describe the extent to which
39 interagency and intersystem collaboration is established among
40 all relevant entities to ensure that all specific transition and

1 aftercare services are, in fact, provided to eligible youth. The
2 application shall specify the role, responsibilities, and agreements
3 of all participating entities involved in the transition process,
4 including detention and probation staff, health and mental health
5 services, community-based organizations, local businesses, other
6 educational agencies, and employment providers. The application
7 also shall specify that information obtained shall be maintained in
8 a manner consistent with the protection of confidentiality and may
9 be disclosed or exchanged only as permitted by state and federal
10 law and shall not be used in a civil or criminal proceeding against
11 the pupil.

12 (5) Specific transition strategies of response to be implemented,
13 which may include any of the following:

14 (A) Individual pupil prerelease planning that occurs during the
15 eligible youth's confinement and case management plans involving
16 pupils, the pupil's parents or legal guardians or care givers,
17 education rights holders, counsel, teachers, and probation officers
18 that specify academic and behavioral goals and needed services.
19 This planning shall include consideration of special education and
20 language access needs.

21 (B) Mentoring and structured after school programs in academic
22 enrichment, peer mediation, conflict resolution, victim awareness,
23 victim and offender reconciliation, gang abatement, violence
24 reduction, restitution, community service, and cultural awareness.

25 (C) Prerelease training in social skills and independent living
26 skills.

27 (D) School-linked comprehensive counseling services and other
28 appropriate services for pupils and families.

29 (E) School-linked substance abuse treatment and education
30 services.

31 (F) A comprehensive system of career interest assessment,
32 preemployment skills training, job training, supervised work
33 experience, and job placement.

34 (G) Maintenance of contact with the eligible youth and his or
35 her family or care giver by the transition specialist for at least six
36 months after release to minimize the risk of recidivism.

37 (H) Resources and services that encourage preparation for, and
38 matriculation into, higher education options.

39 (I) Transportation.

40 (J) A parenting education program.

(6) A description of the manner in which the county office of education or school district will ensure that eligible youth transitioning from a juvenile facility will overcome barriers that prevent them from reenrollment in their school of origin or another appropriate comprehensive regular school and that they will be given the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

(7) A description of the manner in which the program will involve parents in efforts to improve the educational achievement of their children, assist in transition out of the institution, and prevent the involvement of their children in delinquent activities.

(8) A data and information sharing system to ensure that the actions identified in the transition plan are fully coordinated and to provide data for measuring the success of programs and services funded.

(9) An expenditure plan.

48690. (a) A comprehensive transition plan shall be developed and implemented for each eligible youth and include, but not be limited to, all of the following elements:

(1) Thorough review of the youth's academic records and transcripts. To the extent transcripts have not been already obtained, they shall be immediately requested and any gaps shall be reviewed to determine the need for any followup requests.

(2) Interview with the youth to determine the youth's academic, vocational, employment, and other goals for incorporation into the plan.

~~(3) Screening for eligibility of special education services. A review of pupil records for purposes of conducting appropriate child find activities consistent with Article 1 (commencing with Section 56300) of Chapter 4 of Part 30. If a youth is already identified as a special needs pupil, the individualized education program shall be obtained.~~

(4) School credit analysis to determine amounts of credit earned and credits needed for graduation and to recover any lost credits.

(5) Vocational assessment.

~~(6) Assessment to determine if the youth is an English learner or fluent English proficient and the language status of the youth's parent or guardian. Determine the youth's language proficiency status consistent with Sections 313 and 52164.1.~~

1 (7) Assessment to determine the educational placement that
2 would best address the youth's academic needs once released from
3 the institution.

4 (8) If expelled from his or her school of origin, an assessment
5 to determine the status of the pupil's rehabilitation plan.

6 (9) Identification of services and resources that are available to
7 the youth to prepare for and accomplish a successful transition to
8 the community once released.

9 (b) The transition plan shall be developed for each eligible youth
10 with the collaboration and in consultation with other educational
11 staff and the youth and, whenever possible, a youth's parent,
12 guardian, or educational decisionmaker, the youth's probation
13 officer, and counsel.

14 (c) A copy of the transition plan and a portfolio with the
15 following information shall be given to the eligible youth and his
16 or her family:

17 (1) School transcripts.

18 (2) Individualized education program, if applicable, and any
19 child-find evaluation.

20 (3) Credit analysis.

21 (4) Vocational assessment.

22 48693. By December 1, 2013, the Superintendent, in
23 consultation with the Board of Corrections and county offices of
24 education, shall develop consistent measures for determining how
25 to evaluate the success of programs and services funded under this
26 program. The measures shall include, but not be limited to, all of
27 the following:

28 (a) Reenrollment in a regular comprehensive school.

29 (b) Attendance rates.

30 (c) Graduation and dropout rates.

31 (d) Passage rates on the high school exit examination.

32 (e) The numbers of suspensions and expulsions.

33 (f) Indicators of academic performance and achievement.

34 (g) Placement in job training programs and paid employment.

35 (h) Placement in institutions of higher education.

36 48695. The state board shall amend California's consolidated
37 state application for the federal No Child Left Behind Act of 2001
38 (20 U.S.C. Sec. 6301 et seq.), as necessary, so that it adequately
39 reflects the requirements and provisions of this article with respect

1 to the state's implementation of Part D of Title I of that federal
2 act.

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